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BRIEF

submitted to the

ROYAL COMMISSION ON BILINGUALISM AND BICULTURALISM

COMMISSION ROYALE D'ENQUÊTE SUR LE BILINGUISME ET LE BICULTURALISME

by the

ASSOCIATION CANADIENNE DE DROIT COMPARÉ

CANADIAN ASSOCIATION OF COMPARATIVE LAW

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August 1st, 1964.

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INTRODUCTION

1. The Canadian Association of Comparative Law was founded in 1960 to further the development of Comparative Law in Canada. It serves as a contact with Comparative Law organizations on the international level, and as a focal point for Comparative Law activities on the national scene. Membership stands at approximately fifty individuals, most of whom are judges, lawyers and law professors. Mr. Justice Judson of the Supreme Court of Canada became the first President of the Association, and was succeeded in 1963 by Dean Pierre Azard of the Civil Law Section of the Faculty of Law at the University of Ottawa. Professor Jean Castel of Osgoode Hall Law School has been Secretary General and Treasurer of the Association since its inception.

2. There has been much debate in recent months on the meaning of biculturalism. But perhaps one of the best examples of biculturalism in Canada is the separate existence of two legal systems - civil law in the Province of Quebec and common law in the nine other provinces. They sit side by side, each sovereign within its own domain, governed in the final analysis by one Supreme Court of Canada.

3. Renault St-Laurent, Q.C. commented in the annual address of the President of the Canadian Bar Association in 1960:

". . . what a queer turn of fate for Canada that, here where these two great juridical systems co-exist, each system nevertheless to a far too great extent, ignores the other . . . it would be, I feel, to our greatest mutual advantage to promote a real policy of still increasing 'rapprochement' between the two groups; a policy that would help destroy a still lingering reserve on the part of each group towards the other, a policy that would enable us to get to know each other even better through more frequent and more permanent contacts, exchanges of views and comparative

research projects."¹

4. These words, delivered well before 'bilingualism and biculturalism' became a term of household usage, are remarkably appropriate to our present situation. The conclusions and recommendations which follow in this brief are generally in the same spirit. It is hoped that they will shed some light on the troubled waters.

(BLOCK THAT METAPHOR!)

¹ (1960), 3 Canadian Bar Journal 437, at p. 447.

PART I

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

5. There follows a short summary of the conclusions and recommendations of the Canadian Association of Comparative Law to the Royal Commission on Bilingualism and Biculturalism. It almost goes without saying that this summary is not intended as a substitute for the main content of the brief. If the reader's interest is aroused by the resumé and recommendations here, he will wish to consult the principal portion of this presentation to comprehend their significance fully.

BILINGUALISM AND COMPARATIVE LAW

6. It is a fact that most Canadians with a legal education are not sufficiently bilingual to undertake comparative work in Quebec civil law and Canadian common law. The same is also true in many other fields of endeavour where there is a need for both French and English languages. This is attributable, it is submitted, to an essential defect in our educational systems,

RECOMMENDATION #1:

That such measures as are deemed necessary and appropriate be taken by the Governments of the Provinces of Canada in cooperation with the Government of Canada, to ensure that students on completion of their secondary school education have a sound working knowledge and oral facility in both French and English languages, and that their future vocations and aspirations shall not be impaired by a language deficiency of this nature.

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BICULTURALISM AND COMPARATIVE LAW

7. Not only is the co-existence of civil law and common law in Canada an outstanding example of biculturalism, but comparative study and research in the two great legal systems engenders a spirit of understanding and tolerance. More than that, it brings the realization that the two cultures have many similarities, and that often the differences concern means rather than ends.

RECOMMENDATION #2:

That the Royal Commission in its report emphasize the contribution of comparative study and research in civil law and common law systems to cultural understanding, as well as mention their practical value.

(a) IN LEGAL EDUCATION

8. Considerable progress in the teaching of Comparative Law has been achieved on an individual and institutional levels. But Comparative Law is taught as an optional subject in most instances, if it is offered at all. As a result, very few Canadian law students come into contact with the other Canadian legal system during the formative years of their legal education.

RECOMMENDATION #3:

That the Royal Commission in its report discuss the cultural, academic and practical aspects of teaching a comparative course or material relating to Quebec civil law and Canadian common law, and invite each Canadian law school to consider inclusion in its curriculum content of such a course or material, for every law student, unless the law school has already instituted such a programme.

9. Another endeavour which would greatly assist the teaching of Comparative Law in Canadian law schools, but which at present is non-existent, is a scheme for visits, lectures and exchanges of professors between civil and common law schools. The same considerations undoubtedly apply to other fields and disciplines.

RECOMMENDATION #4:

That there be organized by the Government of Canada, in cooperation with the Governments of the Provinces of Canada where necessary, through the Canada Council or a similar body, a plan for visits, lectures and exchanges of professors, teachers and distinguished individuals, in areas such as Comparative Law and the teaching of French and English languages, where such visits, lectures and exchanges will lead to greater understanding between the two main cultural groups in Canada.

(b) IN RESEARCH

10. Surprisingly little research has been undertaken to this point in the area of Canadian Comparative Law, or bilingualism and biculturalism as a whole, for that matter. It may be that we are now paying the price for this oversight. A new approach is needed with greatly increased funds made available.

RECOMMENDATION #5:

That a special fund to be applied exclusively for research into bilingualism and biculturalism in all its aspects including Comparative Law, be established by the Government of Canada and administered by the Canada Council or such other agency as is deemed appropriate.

(c) IN FEDERAL STATUTES AND REGULATIONS

11. Statutes of the Parliament of Canada and regulations passed thereunder are presently based on common law concepts and procedures. As a result, considerable hardship and inconvenience are occasioned citizens of the Province of Quebec where civil law prevails.

RECOMMENDATION #6:

That the Statutes of Canada and Regulations made thereunder, including those presently in force, should include civil law concepts and procedures of application to the Province of Quebec, as well as common law principles for the common law Provinces, with any difference in result being resolved in favour of the better view as set forth in the Statute or Regulation.

CONCLUSION

12. Many of the Comparative Law considerations in this brief equally pertain to other areas of bilingualism and biculturalism. In view of the fact that a comparison of the civil law and common law systems in Canada leads one to the conclusion that they are essentially similar although there may be differences in detail, one wonders whether the same might be concluded in the broader sphere of bilingualism and biculturalism generally.

What does this mean?

PART II

THE NATURE AND PURPOSE OF COMPARATIVE LAW

13. It is perhaps obvious that Comparative Law does not exist in the same sense as, for example, contract law or property law. The term merely describes the method or approach employed. In Comparative Law, one compares a civil law contract to a common law contract, or otherwise as the case may be.

14. Professor Jean-Gabriel Castel in his recent work,
The Civil Law System of the Province of Quebec,² comments on the purpose of Comparative Law:

"Comparison of legal systems should help in raising law to the level of a science and thereby insure its claim to universality. Without this quality, law consists of a series of recipes for ending litigation, instead of being the art of governing people and relationships between citizens pursuant to an ideal of peace and justice."³

15. Lest it be thought that Comparative Law is merely an academic exercise, Professor Castel indicates otherwise:

"For those who are going to practice law in areas not far removed from Quebec, or in cities with a large number of persons originally domiciled there, such a study should, besides its cultural aspect, be of practical value, at least to the extent of enabling them to grasp the nature of the problems involved in any controversy involving the law of that province. Any Ontario practitioner having clients engaged in inter-provincial transactions also knows that questions of Quebec law are not academic. Familiarity with

2. (Butterworths, Toronto, 1962).

3. Ibid., at p. ix.

the civil law and its terminology should also facilitate the understanding by Ontario lawyers of any opinions they may receive from Quebec confrères. To be able to correspond intelligently with lawyers from a civil-law jurisdiction⁴ should certainly be considered an asset."

16. An insight into another legal system also better enables one to appreciate his own. In certain instances, the example of one system on a legal question has led the other to alter its view and introduce the preferred position by statutory change or judicial interpretation. Comparative Law cannot, therefore, be dismissed as an idle pastime.

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Ibid., at p. viii.

PART III

THE DEVELOPMENT OF COMPARATIVE LAW IN CANADA

17. Interest in Comparative Law on the international scene has increased dramatically in recent years. Likewise on the Canadian frontier, there have been encouraging developments.
18. Since 1938, the Canadian Bar Association has maintained a Comparative Law Section which succeeded a Standing Committee on Comparative Provincial Legislation and Law Reform. It retains an emphasis on examining legislation and reform however, in addition to comparing civil law and common law situations.
19. The Association Henri Capitant, an outstanding Comparative Law organization with headquarters in Paris, has held its International Congress in Canada on three occasions - 1939, 1953 and 1958 - largely through the efforts of Professor Marie-Louis Beaulieu of Laval University. In 1959, the Association Québécoise pour l'Etude Comparative du Droit was established through the initiative of Professors Louis Baudouin of McGill University and Albert Mayrand of the University of Montreal, reflecting the considerable interest in Comparative Law emanating from the Province of Quebec.
20. A corresponding interest in the common law provinces led to the formation in 1960 of the Canadian Association of Comparative Law which is presenting this brief. Its objects and activities are⁵ outlined in the introductory portion of this submission.
21. According to the directory of the Association of Canadian Law Teachers, only the law schools at Manitoba, Osgoode Hall, Saskatchewan and Toronto offered Comparative Law in the academic year of 1960-61. The University of Western Ontario joined the fold in the following year, and was accompanied in 1962-63 by the University of New Brunswick and both the Civil Law and Common Law Sections at the University of Ottawa. This past academic year, the University of Alberta gave a seminar in Comparative Law for the first time.

22. Two Comparative Law institutes were founded in 1962. At McGill University, Professor Maxwell Cohen, now Dean of the Faculty of Law, was appointed Director of a new establishment for comparative legal studies. At the University of Ottawa, the Canadian and Foreign Law Research Centre was inaugurated under the joint auspices of the Civil Law and Common Law Sections of the Faculty of Law. It has since organized two International Symposiums on Comparative Law at Ottawa.
23. Finally, as a result of a conference at North Hatley, Quebec, in September of 1963 between representatives of the American Association of Law Schools and the Association of Canadian Law Teachers, a Permanent Sub-Committee on the Teaching of Foreign Law has been established. It has already submitted two reports, and two of its projects have reached fruition. Professor Castel's⁶ book mentioned previously has been sent by the Government of the Province of Quebec to the Comparative Law instructors of 150 law schools in the United States and Canada. A sixteen page introduction to the civil law of Quebec and Louisiana, prepared by Dean Pierre Azard of the University of Ottawa and Professor Joseph Dainow of Louisiana State University, has likewise been distributed by the Canadian and Foreign Law Research Centre at the University of Ottawa. In addition, the Permanent Sub-Committee has under consideration, among other projects, the distribution of Comparative Law information, organization of special courses or workshops during holiday periods, and exchange of professors.
24. It will be apparent from the foregoing that activity in the Comparative Law area in Canada has mushroomed in the last five years. In many respects however, the Canadian picture is not so bright. Consideration of these shortcomings will constitute the subject matter which now follows in this brief.

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Supra, p. 7.

PART IV

BILINGUALISM AND COMPARATIVE LAW

25. A working knowledge of both French and English languages is a prerequisite to study and research in Canadian Comparative Law. Although the Quebec Civil Code is written in both languages, the great majority of reported cases, learned articles and authoritative treatises necessary for an understanding of a Civil Code provision, are found in the French language. Likewise common law publications are almost exclusively in English. It is, of course, hopeless to expect anyone to study or research a fine point of law in a language he does not comprehend.
26. The only solution is a facility in both French and English languages if one is to work in the Canadian Comparative Law area. It is a fact however, that there are very few Canadian law students or lawyers who meet this qualification. As a result, comparative study and research in Quebec civil law and Canadian common law is limited to rather few individuals.
27. In the opinion of this Association, the responsibility for this state of affairs lies with Canadian educational systems which do not provide adequate opportunity or encouragement for learning the other national languages. It is not good enough to suggest to someone interested in Comparative Law that he must first commence to master a second language at such a late stage in his education or career. This must come earlier when he will have both time and aptitude to succeed. As a child learns a language with comparative ease, it is obvious that endeavours to develop bilingualism should begin at an early age.
28. This Association does not purport to be competent to propound how a second language should be introduced in the educational systems. On the other hand, it is within its province to point out in the strongest possible terms that students coming through our educational systems are not adequately trained in the

second language of their nation, and thus are not prepared to engage in the academic discipline of Comparative Law. The same unfortunate situation is undoubtedly true of many other disciplines, professions and callings.

29. Cost cannot be an answer to the present shortcomings. A shift in educational content and approach is required, rather than extraordinary new expenditures. This is not to say that the Government of Canada should not assist financially where it is deemed necessary or advisable to institute a special project or programme in view of the urgency of the situation.

RECOMMENDATION #1:

That such measures as are deemed necessary and appropriate be taken by the Governments of the Provinces of Canada in cooperation with the Government of Canada, to ensure that students on completion of their secondary school education have a sound working knowledge and oral facility in both French and English languages, that their future vocations and aspirations shall not be impaired by a language deficiency of this nature.

PART V

BICULTURALISM AND COMPARATIVE LAW

30. In the introduction to this brief,⁷ the co-existence of two great legal systems in Canada was characterized as an outstanding example of biculturalism. If this is so, it would seem to follow that the subject of a Canadian biculturalism might be illuminated by examining the legal systems.

31. Professor Castel sees the following results:

"The study of Quebec law in the common-law provinces is also likely to promote a better understanding of the social institutions and ways of life of the inhabitants of the Province of Quebec. This is Canadianism at its best. We must not judge our neighbours' institutions and attitudes in the light of our own concepts and prejudices."⁸

32. 'Cultural understanding' might be the description which best fits the attitude of mind developed by the comparative point of view. Although this term may be vague and sound dangerously like a pious platitude, it nevertheless exists as a by-product of Comparative Law endeavour. The explanation may lie in the realization that although the systems use superficially different legal techniques, they share extremely similar views in so many other basic respects.⁹

33. Perhaps because Comparative Law is a relatively new field of legal scholarship, its impact is not yet widely recognized. Very practical advantages flowing from a familiarity with Comparative Law are now becoming apparent and should not be overlooked.¹⁰

⁷ Supra, p. 1.

⁸ Op. cit., supra, footnote 2, at p. viii.

⁹ See the remarks of St. Laurent in (1960), 3 Canadian Bar Journal 437, at pp. 438, 443, on this point.

Recognition by the Royal Commission of the cultural value of comparing the Canadian legal systems, with passing mention of the corresponding practical attributes, would assist in further establishing the discipline in the eyes of the legal profession and the public.

RECOMMENDATION #2:

That the Royal Commission in its report emphasize the contribution of comparative study and research in civil law and common law systems to cultural understanding, as well as mention their practical value.

(a) IN LEGAL EDUCATION

34. If the comparative study of Canadian civil law and common law systems is of merit as an instrument of cultural understanding, the next step is to examine what is being done in this regard at present. One naturally looks to Canadian law schools as a likely source of Comparative Law endeavour.

35. The increased number of Canadian law schools teaching Comparative Law in recent years has been outlined earlier in this ¹¹ brief. A number of factors have contributed to the growth. Interest in Comparative Law throughout the world is one. Increased trade and commerce between Quebec and the common law provinces is another. Political trends have also served to arouse curiosity. There are now more professors willing and qualified to teach the subject, as well as more students anxious to study it. And the publication of Professor Castel's book in 1962, referred to ¹² previously, has provided a basic teaching tool which can be used with students who have little or no knowledge of the French language.

36. A false impression would be left however, if it were not stated that very few student every come into contact with

¹⁰ They are discussed supra, at p. 7 in the quotation from Castel.

¹¹ Supra, p. 9.

¹² Supra, footnote 2.

Comparative Law during their law school careers. It is almost always taught as an optional course or seminar, if offered at all. There are undoubtedly a wide variety of explanations for this state of affairs. The question is whether they remain valid in light of the increasing importance of comparative civil law and common law studies.

37. One of the most forthright examinations of the issue is by J.R. Matheson, M.P., a former Chairman of the Comparative Law Section of the Canadian Bar Association:

"Why should earnest students of law hoping to practice in one or other of the common-law provinces of Canada expend time seeking knowledge of the civil-law system? The answers appear almost obvious.

Because it is not possible to fully comprehend the English law without some insight into its European counterpart.

Because in Canada our feet have been set in a large room and we can scarcely presume to call ourselves lawyers while remaining in utter ignorance of a system of law affecting the liberty and fortunes of five million fellow Canadians.

Because Canadians juridically must look out and beyond at a world roughly divided between the civil and the common-law systems, a world already venturing bravely into the first stages of world government.

Because improvement of what we have is impossible without comparison and the obvious system to compare, the civil system, is before our eyes - a deductive system of theory to set alongside our own inductive conclusions of the common law.

To a few the law is just what it is and what it was. To others whose creative influence on Canadian jurisprudence will matter, it is what it is and what it may hope to be . . . "

The converse applies equally to civil law students and the common law system.

38. Why then, conceding the importance of comparative study of Quebec civil law and Canadian common law, should it not be offered to every Canadian law student without exception? It is, of course, for each law school to decide the content of its own curriculum. But probably many law schools have not yet had occasion to consider the significance of Comparative Law in the context heretofore described. All in all, a comparative study of the Quebec civil law and Canadian common law systems for every Canadian law student is not an unreasonable¹⁴ suggestion, is well within the realm of the possible, and of indisputable benefit to the individual concerned and the nation as a whole.

RECOMMENDATION #3:

That the Royal Commission in its report discuss the cultural, academic and practical aspects of teaching a comparative course or material relating to Quebec civil law and Canadian common law, and invite each Canadian law school to consider inclusion in its curriculum content of such a course or material, for every law student, unless the law school has already instituted such a programme.

39. In 1960, Renault St-Laurent, Q.C., then President of the Canadian Bar Association enquired:

"Could we not also suggest that a programme of exchange of professors, such as that initiated a few years ago between Toronto and Montreal and, last year, between Osgoode Hall and Laval, be given serious consideration in all law schools throughout the country?"¹⁵

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It was made, for example, by Renault St-Laurent, Q.C. in (1960), 3 Canadian Bar Journal 437.

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Ibid.

40. The benefits to be derived from such a programme are self evident. A more profound insight into a legal system can often be conveyed by one trained in that system. Students are impressed by the fact that they are getting it 'straight from the horse's mouth'. Those participating in the exchange come into close contact with the other system. Moreover the interchange of information and points of view is of mutual advantage.
41. Not that the programme need be confined to straight exchanges. Obviously there are insufficient civil law schools to meet the common law demand in Canada. Visits by individual professors are the essential idea. They may take many forms such as a special lecture or series of lectures, the teaching of a course or seminar, an opportunity to conduct research, or merely to observe the other system. Quebec and Ontario law schools are in a favourable position geographically for brief excursions back and forth on a regular or occasional basis. At the same time, the increased convenience of air travel does not rule out shorter visits to and from less central areas of the nation.
42. As yet, the potential in exchanges and visits has not been fully exploited. Why is this so?
43. One of the reasons is the expense involved. Travelling and living expenses are a factor which cannot be brushed aside as inconsequential, especially where the distances are great. At the same time, the overall cost of a programme of visits and exchanges would not be prohibitive compared to other expenditures in legal education. For example, an annual sum of \$2,000 would be sufficient to inaugurate a fairly comprehensive series of visits and lectures across Canada. In a straight exchange of professors, there is no salary problem, nor is there any difficulty in this regard for short visits by individual law teachers.
44. Another reason for the lack of interchange has been an absence of a focal point for this type of activity. If it were widely known that the Canada Council or a similar agency was

specifically concerned with visits and exchanges between French and English speaking university professors, greater advantage would be taken of the opportunities so afforded. Groups and institutions such as the Association of Comparative Law could then plan a lecture tour, for example, of a distinguished Comparative Law scholar, with some hope of obtaining financial assistance from this source.

45. Although the foregoing remarks have been directed to the Comparative Law area, there are many other fields of endeavour where visits and exchanges would result in greater cultural understanding. One of the most obvious is in the teaching of the French and English languages on all levels. Rather than treat each area separately, it would seem more advisable that the Canada Council or some similar body should handle the programme as a whole to give it the necessary impetus and standing.

RECOMMENDATION #4:

That there be organized by the Government of Canada, in cooperation with the Governments of the Provinces of Canada where necessary, through the Canada Council or a similar body, a plan for visits, lectures and exchanges of professors, teachers and distinguished individuals in areas such as Comparative Law and the teaching of French and English languages, where such visits, lectures and exchanges will lead to a greater understanding between the two main cultural groups in Canada.

(b) IN RESEARCH

46. It is perhaps a matter of surprise, and certainly one of concern, that so little research has been conducted to date in the Comparative Law area of Quebec civil law and Canadian common law. The two great systems sit side by side in isolation within one nation. Yet we in Canada have been slow to seize the opportunity

afforded by this most unusual circumstance, although there are
signs of an awakening as described earlier in this presentation. ¹⁶

47. Research in Canadian Comparative Law to this point has been the result of individual effort. The time has surely come when more co-ordinated endeavours are necessary to produce a concerted pattern of research. There is need for attention to be focussed on Comparative Law research as a special area of endeavour, rather than just another field of law.

48. Once again, the remarks of Renault St-Laurent, Q.C. touch upon the situation:

"Could we not finally suggest that the various governmental authorities encourage in some special manner, research projects in the field of Comparative Law which would allow the flowering of a real body of Canadian comparative legal literature."¹⁷

49. The object of this brief is not to ask for a special research fund to be directed solely to Comparative Law. But if research in Quebec civil law and Canadian common law on a comparative basis is to develop and increase, adequate funds must come from some source.

50. It is a fact that the amount of money available for research in Canada is parsimonious compared to expenditures on other pursuits in our society. In view of the grave lack of research funds and the profound issues raised by considerations of bilingualism and biculturalism in Canada, the Royal Commission may wish to recommend the establishment of a special research fund on problems of bilingualism and biculturalism. Such a fund might be administered by the Canada Council or a new agency created for the purpose. Its responsibilities could include the creation of a plan for visits, lectures and exchanges of professors, teachers and distinguished individuals recommended earlier in this brief. ¹⁸

¹⁶ Supra, pp. 9-10.

¹⁷ (1960), 3 Canadian Bar Journal 437, at p.447.

¹⁸ Supra, p. 18.

It is hoped also that the Royal Commission will recognize research in the Comparative Law area as both relevant and important to an understanding of biculturalism in Canada, in line with another
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earlier recommendation of this submission.

RECOMMENDATION #5:

That a special fund to be applied exclusively for research into bilingualism and biculturalism in all its aspects including Comparative Law, be established by the Government of Canada and administered by the Canada Council or such other agency as is deemed appropriate.

(c) IN FEDERAL STATUTES AND REGULATIONS

51. At the 1963 Annual Meeting of the Association of Canadian Law Teachers held in conjunction with the Conference of the Learned Societies at Laval University in Quebec City, Dean Yves Pratte of the Faculty of Law at Laval University in his welcoming address commented on the fact that statutes drafted for and passed by the Parliament of Canada are based solely on common law concepts. There may be very practical and expedient explanations for this state of affairs. But as a result, the Statutes of Canada often run contrary to the civil law system of the Province of Quebec when applied there.

52. It is not suggested that where the civil law and common law reach different conclusions in a given situation, a dissimilar result should prevail in the Province of Quebec from the rest of Canada under the same federal statute. In this event, it would be necessary to choose either the civil law or the common law position for the statute, depending on which is considered the better view, so that the effect of the legislation would be the same for all Canadians.

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Supra, p. 14.

53. The important consideration is that the concepts and procedures in federal statutes should also include those of the civil law where the legislation applies to the Province of Quebec and the civil law effects the desired result. One cannot expect a citizen of Quebec, or even his lawyer trained in the civil law, to comprehend or cope with common law concepts and procedures. Indeed the common law position may be completely incompatible with the civil law approach, and thus create very practical as well as theoretical difficulties. The same considerations apply to regulations passed under federal statutes.

54. A solution is simple. It requires the employment of civil law legislative draftsmen to work with those whose background is the common law. Existing statutes and regulations should be reviewed, and civil law concepts and procedures inserted. Meanwhile all new legislation and regulations should include provisions for use under both legal systems.

RECOMMENDATION #6:

That the Statutes of Canada and Regulations made thereunder, including those presently in force, should include civil law concepts and procedures of application to the Province of Quebec as well as common law principles for the common law Provinces, with any difference in result being resolved in favour of the better view as set forth in the Statute or Regulation.

PART VI

CONCLUSION

55. Although the content of this brief is essentially limited to Canadian Comparative Law and its contribution to cultural understanding, many of the comments and ideas are applicable to other areas of bilingualism and biculturalism. A number of recommendations reflect this fact. It is interesting, therefore, to ponder the significance of the following passage:

"The co-existence within the borders of Canada of the civil law in the Province of Quebec and the common-law in force in the other provinces has also been constructive. In it lies the secret of Canadian unity. The reciprocal influences of the two systems have been felt in many fields of the law More important is the recognition that whatever the reciprocal influences of one legal system upon the other, both often tend towards similar solutions. Differences in details do not affect fundamental principles. That is why in Canada there is no question about the essential unity of justice that is dispensed from the
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Atlantic to the Pacific."

One cannot conclude that these observations necessarily extend beyond the boundaries of Comparative Law, but they nevertheless may contain a grain of truth. In any event, if the Royal Commission has benefitted from the content of this brief to some small degree, the object of the Canadian Association of Comparative Law in presenting it will have been fulfilled.

